



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Eleventh day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.21015 of 2016

1 KUMAR
2 MOORTHY
3 KANNAN

..PETITIONERS/ACCUSED 21 to 23

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE,
KEELATHOOVAL POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CR.NO.129 OF 2016)

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.PRABU RAMACHANDRAN Advocate

For Respondent : M/s.S.PRABHA, Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

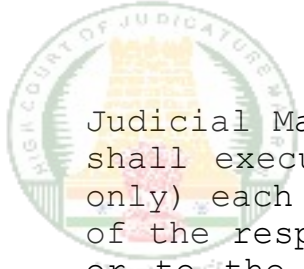
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 188, 109, 353 of I.P.C., r/w. Section 4(1)(a) of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 and Tamil Nadu Town Nuisance Act, 1889 in Crime No.129 of 2016 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 14.09.2016, in the Memorial Celebration of Five Martyrs, these petitioners had not complied with the conditions stipulated during the course of celebration and they played songs and assembled in general place as against the conditions and also used abusive language.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and they been falsely implicated in this case.

4. The learned Government Advocate (Crl.side) submitted that the co-accused has been granted anticipatory bail by this Court in Crl.O.P.(MD).No.19407 of 2016 dated 06.10.2016.

5. Considering the facts and circumstances of the case and that the co-accused has been granted anticipatory bail by this Court in Crl.O.P.(MD).No.19407 of 2016, dated 06.10.2016, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned



Judicial Magistrate, Mudukulathur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent Police daily at 10.00 a.m. until further orders.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

sd/-

11/11/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE, MUDHUKULATHUR, RAMNAD DISTRICT.

2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, RAMNAD.

3 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

4 THE INSPECTOR OF POLICE, KEELATHOOVAL POLICE STATION,
RAMANATHAPURAM DISTRICT.

+1. CC to M/S.R.PRABU RAMACHANDRAN Advocate SR.No.69095

ORDER IN

CRL OP(MD) No.21015 of 2016

Date :11/11/2016

PBK/SS-3/SAR-III 24/11/2016 ::2P-6C: